

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KALI CLARK,

Plaintiff,

V.

GOTHAM LASIK, PLLC

Defendant.

BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/23/12

11 Civ. 1307 (BSJ) (JCF)

Order

On March 2, 2012¹, Magistrate Judge Francis issued a Report and Recommendation ("R&R"), recommending a denial of Plaintiff's motion seeking enforcement of a settlement agreement allegedly entered into with the Defendant. In addition, because the agreement cannot be enforced, Magistrate Judge Francis denied Plaintiff's application for an award of attorneys' fees and costs.

Magistrate Judge Francis instructed both parties that failure to file objections within fourteen (14) days of the R&R would result in waiver of objections and preclude appellate review. Neither party filed written objections within that timeframe. Accordingly, both parties waived their objections and appellate review is precluded. See *Thomas v. Arn*, 474 U.S.

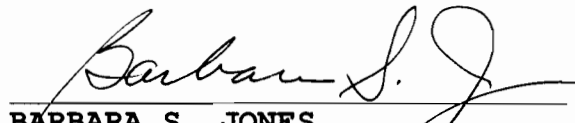
¹ The Report and Recommendation was signed on March 2, 2012, but was later modified and entered on the docket on March 5, 2012.

140, 155 (1985); see also IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993).

Upon review and consideration of the R&R, the Court finds it is neither "clearly erroneous" nor "contrary to law." See FED. R. CIV. P. 72. The Court, thus, adopts the R&R, and DENIES, Plaintiff's motion to enforce the settlement agreement. No appeal may be taken from this Order.

The Clerk of the Court is directed to terminate the motion (document 17).

SO ORDERED:


BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
March 23, 2012